IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4243 of 1992
WITH
CIVIL APPLICATION No 2436 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE D.A.MEHTA
and
HON'BLE MS.JUSTICE H.N.DEVANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

WESTERN INDIA CERAMICS PVT.LTD

Versus

STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 4243 of 1992
MR TANVISH U BHATT for Petitioner No. 1-2
MR UR BHATT, AGP. for Respondent No. 1-2
ADV.GENERAL SERVED for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE D.A.MEHTA
and
HON'BLE MS.JUSTICE H.N.DEVANI

Date of decision: 03/12/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE D.A.MEHTA)

1 Mr.Tanvish U.Bhatt, learned Advocate for the petitioner states that the petitioner had sought instalments from the respondent State Government and accordingly such instalments had been granted vide communication dated 11/5/1992 (Annexure A/6) which is under challenge in the present petition. That the petitioner was required to pay a principal sum of Rs.25 lacs along with interest thereon of Rs.20,50,000/-. That as against the total sum of Rs.45,50,000/-, the petitioner has actually paid Rs.46,21,768/-. It is therefore submitted that the petitioner has paid a sum of Rs.71,768/- as interest on interest over and above the instalments which included interest as granted by the respondent. Thus, the case of the petitioner is that the said amount has been paid by the petitioner under order dated 11.5.1992 and the petitioner should not be called upon to pay such interest on interest or any further sum as interest on interest.

2. Having heard the learned Counsel for the petitioner, it is apparent that these are questions of fact which will require reconciliation of figures and establishment of the actual payments by placing evidence on record. The contention regarding payment of interest on interest cannot form part of the subject matter of the present petition. In the circumstances, it is not possible to give any direction to the respondents in this regard.

3. Mr.Bhatt, at this stage prays for permission to withdraw the petition with a liberty to approach the respondents in relation to the claim regarding interest on interest. Permission to withdraw the petition is granted and the petition accordingly stands disposed of as withdrawn.

4. The petitioner may approach the respondents in accordance with law to claim any further relief that the petitioner may be entitled in law. Rule discharged. There shall be no order as to costs.

CIVIL APPLICATION No.2436 OF 1992.

As the main petition is disposed of as withdrawn this Civil Application does not survive as it has become infructuous. Hence, it is disposed of accordingly.

(D.A.Mehta, J)

(H.N.Devani, J)

m.m.bhatt